

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. VINH XUAN NGO,
a/k/a Houng Van Tran,

2. NORINH INTHONEPRADITH,
a/k/a Chau Ngo,

Defendants.

) INDICTMENT

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) 18 U.S.C. § 2

) 18 U.S.C. § 371

) 18 U.S.C. § 1028A

) 18 U.S.C. § 1029

) 18 U.S.C. § 1344

) 18 U.S.C. § 982(a)(2)(A)

) 18 U.S.C. § 1029(c)(1)(C)

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CR 14-345 PJS/JSM

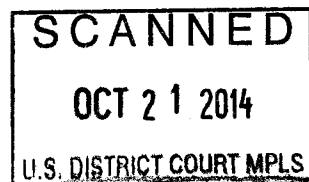
THE UNITED STATES GRAND JURY CHARGES THAT:

INTRODUCTION

1. From in or about October 2011 to in or about February 2014, in the State and District of Minnesota, the defendants, conspiring with and aiding and abetting one another and other persons known and unknown to the grand jury, devised and participated in a scheme to defraud banks, bank customers, and businesses using stolen and fraudulently-created identification documents, stolen and fraudulently-obtained bank account information, and fraudulently-obtained access devices.

2. At all times relevant to this indictment, the following financial institutions did business in the State and District of Minnesota and elsewhere and held deposits insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund:

a. Affinity Plus Federal Credit Union;



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- b. Associated Bank;
- c. TCF Bank; and
- f. Wells Fargo Bank

(hereinafter referred to as the “Financial Institutions”).

3. At all times relevant to this indictment, “means of identification” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual.

COUNT 1
(Conspiracy)

4. The grand jury re-alleges all of the allegations contained in paragraphs 1 through 3 as if fully set forth in full herein.

5. From in or about December 2012 through in or about February 2014, in the State and District of Minnesota, the defendants,

**VIN XUAN NGO,
a/k/a Houng Van Tran, and
NORINH INTHONEPRADITH,
a/k/a Chau Ngo,**

did knowingly and intentionally conspire, combine, confederate, and agree with each other and other persons known and unknown to the grand jury to commit certain offenses against the United States, namely:

a. to execute and attempt to execute a scheme and artifice to defraud the Financial Institutions and to obtain by means of materially false and fraudulent pretenses and representations, monies and funds owned by and under the custody and

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control of the Financial Institutions, in violation of Title 18, United States Code, Section 1344; and

b. to knowingly, and with intent to defraud, traffic in and use one or more unauthorized access devices during a one-year period, and by such conduct obtain a thing of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

A. Object of the Conspiracy.

6. It was the object of the conspiracy for the defendants to obtain and use means of identification of other persons to create false and fictitious identification documents; to assume the identities of other persons in order to gain control over existing bank accounts and credit card accounts in the names of those other persons and to fraudulently open new bank accounts and credit card accounts in the names of those other persons; and to conduct fraudulent financial transactions and obtain money and merchandise using the accounts over which they had fraudulently gained control and using the new accounts they had fraudulently opened.

7. Through this scheme, the defendants intended to obtain approximately \$1 million in fraud proceeds.

B. Manner and Means.

8. The defendants, together with others known and unknown to the grand jury, carried out their conspiracy through the following means, among others:

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a. by fraudulently obtaining and stealing means of identification and bank account information of victims in the State and District of Minnesota and elsewhere;

b. by creating false and fraudulent identification documents using the victims' fraudulently-obtained and stolen means of identification;

c. by using the false and fraudulent identification documents bearing the victims' means of identification to assume control of the victims' bank accounts and credit card accounts to then be used to conduct fraudulent financial transactions;

d. by using the false and fraudulent identification documents bearing the victims' means of identification to open and cause to be opened new bank accounts and credit card accounts in the names of the victims to then be used to conduct fraudulent financial transactions; and

e. by conducting fraudulent financial transactions at businesses, including using counterfeit checks and fraudulently-obtained access devices, and at the Financial Institutions, including making fraudulent deposits, withdrawals, and transfers at the Financial Institutions, using the victims' means of identification, including bank account information.

9. Through these manner and means, among others, the defendants conspired to obtain and attempted to obtain approximately \$1 million in fraud proceeds through acts committed by the defendants and other persons known and unknown to the grand jury in Minnesota and elsewhere.

C. Overt Acts.

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10. In furtherance of the conspiracy and to achieve the objects thereof, the following overt acts, among others, were committed in the State and District of Minnesota and elsewhere:

a. on or about January 16, 2013, defendant INTNONEPRADITH used a counterfeit lawful permanent resident card and a counterfeit Florida driver's license bearing the defendant's photograph and the name of victim Ye Y., a known person, to complete an application for delivery of mail through agent directing mail in the name of Ye Y. to be delivered to box number 105 at a UPS store at 2355 Fairview Avenue in Roseville, Minnesota;

b. on or about January 16, 2013, defendant INTNONEPRADITH used a counterfeit Florida driver's license bearing the defendant's photograph and the name of victim Ye Y. and the Social Security number belonging to Ye Y. to fraudulently open a bank account, number XXXXXX9124, in the name of victim Ye Y. at an Associated Bank in Saint Louis Park, Minnesota;

c. on or about April 12, 2013, defendant INTNONEPRADITH used a counterfeit Florida driver's license bearing the defendant's photograph and the name of victim M.T., a known person, to complete an application for delivery of mail through agent directing mail in the name of M.T. to be delivered to box number 551 at a UPS store at 1043 Grand Avenue in Saint Paul, Minnesota;

d. on or about May 5, 2013, defendant INTNONEPRADITH used a counterfeit Minnesota driver's license bearing the name of victim P.T., a known person,

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to fraudulently open a bank account, number XXXXXX1223, in the name of victim P.T. at a TCF Bank in Minneapolis, Minnesota;

e. on or about May 21, 2013, defendant NGO and INTHONEPRADITH caused the address associated with a credit card account, number XXXXXXXXXXXXX7587, belonging to victim Z.T., a known person, to be changed to box number 551 at a UPS store at 1043 Grand Avenue in Saint Paul, Minnesota;

f. on or about May 23, 2013, defendant NGO used the name and credit card account, number XXXXXXXXXXXXX7587, belonging to victim Z.T. to obtain \$6,000.00 in cash from a Wells Fargo Bank in Bloomington, Minnesota;

g. on or about June 6, 2013, defendant NGO deposited a check in the amount of \$7,600.00 written on the fraudulently-opened Associated Bank account, number XXXXXX9124, in the name of victim Ye Y. into a checking account, number XXX430S12, in the name of victim Z.T. at an Affinity Plus Credit Union in Minneapolis, Minnesota, and then purchased \$4,000 in money orders;

h. on or about June 6, 2013, defendant NGO deposited a check in the amount of \$9,600 written on the fraudulently-opened Associated Bank account, number XXXXXX9124, in the name of victim Ye Y. into a savings account, number XXX430S1, in the name of victim Z.T. at an Affinity Plus Credit Union in Saint Paul, Minnesota, and then withdrew \$9,600 in cash;

i. on or about June 8, 2013, defendant NGO deposited a check in the amount of \$13,900.00 written on the fraudulently-opened TCF Bank account, number XXXXXX1223, in the name of victim P.T. into a checking account, number

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XXX430S12, in the name of victim Z.T. at an Affinity Plus Credit Union in Lakeville, Minnesota, and then withdrew \$7,900.00 in cash and purchased \$3,000 in money orders; and

j. on or about June 10, 2013, defendant NGO deposited a check in the amount \$9,800.00 written on the fraudulently-opened TCF Bank account, number XXXXXX1223, in the name of victim P.T. into a savings account, number XXX430S1, in the name of victim Z.T. at an Affinity Plus Credit Union in Saint Paul Minnesota, and then withdrew \$9,800.00 in cash.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2 – 7
(Bank Fraud)

11. The grand jury re-alleges each of the allegations contained in paragraphs 1 through 10 as if fully set forth in full herein.

12. On or about the dates set forth below, in the State and District of Minnesota and elsewhere, the defendants, as named below in each count, aided and abetted by each other and by other persons known and unknown to the grand jury, having devised a scheme and artifice to defraud the Financial Institutions, and to obtain by means of materially false and fraudulent pretenses, representations, and promises, as described in paragraphs 4 through 10 above, the monies and funds owned by and under the custody and control of the Financial Institutions, did knowingly execute and attempt to execute the scheme and artifice as follows:

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COUNT	DEFENDANT	DATE (on or about)	FINANCIAL INSTITUTION	DESCRIPTION
2	NGO	10/01/11	TCF Bank	Withdrew \$6,800 from accounts XXXXXX6137 and XXXXXX2414 belonging to victim T.T.
3	NGO and INTHONEPRADITH	05/23/13	Wells Fargo Bank	Withdrew \$6,000 using credit card account XXXXXXXXXXXX 7587 belonging to victim Z.T.
4	NGO and INTHONEPRADITH	06/06/13	Affinity Plus Federal Credit Union	Deposited a counterfeit check for \$7,600 into checking account XXX430S12 belonging to victim Z.T.
5	NGO and INTHONEPRADITH	06/06/13	Affinity Plus Federal Credit Union	Deposited a counterfeit check for \$9,600 into savings account XXX430S1 belonging to victim Z.T.
6	NGO and INTHONEPRADITH	06/08/13	Affinity Plus Federal Credit Union	Deposited a counterfeit check for \$13,900 into checking account XXX430S12 belonging to victim Z.T.
7	NGO and INTHONEPRADITH	06/10/13	Affinity Plus Federal Credit Union	Deposited a counterfeit check for \$9,800 into savings account XXX430S1 belonging to victim Z.T.

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All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNTS 8-11
(Access Device Fraud)

13. On or about the dates set forth below, in the State and District of Minnesota and elsewhere, the defendants, as named below in each count, aided and abetted by each other and by other persons known and unknown to the grand jury, did knowingly and with intent to defraud use, and attempt to use, one or more unauthorized access devices during any one-year period, and by such conduct obtain a thing of value aggregating \$1,000 or more during that period:

COUNT	DEFENDANT	DATE (on or about)	DESCRIPTION
8	NGO	10/27/11	Attempted to obtain \$1,685.99 worth of merchandise and gift cards at a Kohl's store using the unauthorized credit card account number XXXXXX3800 belonging to victim Z.Y.
9	NGO	05/23/13	Obtained \$5,793.50 worth of merchandise and gift cards at a Sam's Club store using the unauthorized credit card containing account number XXXXXXXXXXXXXXX7587 belonging to victim Z.T.
10	INTHONEPRADITH	08/26/13	Attempted to obtain \$8,694.38 worth of merchandise and gift cards at a Best Buy store using the unauthorized credit card containing account number XXXXXXXXXXXXXXX1001 belonging to victim H.H.

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COUNT	DEFENDANT	DATE (on or about)	DESCRIPTION
11	INTHONEPRADITH	09/03/13	Attempted to obtain \$3,819.95 worth of merchandise and gift cards at a Best Buy store using the unauthorized credit card account number XXXXXXXXXXXX8816 belonging to Yi. Y.

All in violation of Title 18, United States Code, Sections 1029(a)(2), (b)(1), 1029(c)(1)(A)(i), and 2.

COUNT 12 - 15
(Aggravated Identity Theft)

9. On or about the dates set forth below, in the State and District of Minnesota, the defendants, as named below in each count, aided and abetted by each other and by others known and unknown to the grand jury, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit: the names, social security numbers, and bank account and routing numbers, which are means of identification within the meaning of Title 18, United States Code, Section 1028(d)(7), of another person, as alleged in each count below, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), specifically, bank fraud and attempted bank fraud:

COUNT	Defendant	DATE	DESCRIPTION OF FRAUD
12	NGO	10/01/11	Unauthorized use of the name and bank account numbers of victim T.T., causing the withdrawal of money from bank accounts belonging to victim T.T.

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COUNT	Defendant	DATE	DESCRIPTION OF FRAUD
13	INTHONEPRADITH	01/16/13	Unauthorized use of the name and Social Security number of victim Ye. Y. to fraudulently open a bank account.
14	INTHONEPRADITH	05/05/13	Unauthorized use of the name of victim P.T. to fraudulently open a bank account.
15	NGO	06/08/13	Unauthorized use of the name and bank account number of victim Z.T., causing the withdrawal of money from a bank account belonging to victim Z.T.

All in violation of Title 18, United States Code, Sections 1028A and 2.

FORFEITURE ALLEGATIONS

10. Counts 1-11 of this Indictment are realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 982(a)(2)(A) and (a)(2)(B) and 1029(c)(1)(C).

11. If convicted of any of Counts 1-11 of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A) and (a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of such violations.

12. In addition, if convicted of any of Counts 8-11 of this Indictment, the defendant shall also forfeit, pursuant to Title 18, United States Code, Section 1029(c)(1)(C), any personal property used or intended to be used to commit such violations.

13. If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as

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provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1029(c)(2).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON